

WEN-0008

(80284-0008)



PATENT APPLICATION #9/b.e

RESPONSE UNDER 37 C.F.R. §1.116
EXPEDITED PROCEDURE
EXAMINING GROUP 3739

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Takua NAKAMURA et al.

Examiner: A. M. Farah

Application No.: 09/964,449

Art Unit: 3739

Filed: September 28, 2001

Confirmation No.: 1688

For: CORNEAL SURGERY APPARATUS AND CORRECTION DATA DETERMINING
METHODS

AMENDMENT AFTER FINAL ACTION (37 C.F.R. SECTION 1.116)

MS AF

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

INTRODUCTORY COMMENTS

In response to the Office Action dated September 8, 2003 (Paper No. 6), finally rejecting claims 1-10, please amend the above-identified U.S. patent application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

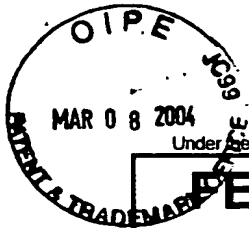
Remarks/Arguments begin on page 6 of this paper.

TECHNOLOGY CENTER R3700

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Do not enter please 3/29/04



<h1>FREE TRANSMITTAL for FY 2004</h1> <p><i>Effective 10/01/2003, Patent fees are subject to annual revision.</i></p>		Complete if Known		
		Application Number	09/964,449	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		Filing Date	September 28, 2001	
		First Named Inventor	Takua Nakamura	
		Examiner Name	A. M. Farah	
TOTAL AMOUNT OF PAYMENT (\$)		1,280.00	Art Unit	3739
		Attorney Docket No.	WEN-0008	

METHOD OF PAYMENT (check all that apply)		FEE CALCULATION (continued)																																																																																																																																																																																			
<input type="checkbox"/> Check <input type="checkbox"/> Credit Card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input checked="" type="checkbox"/> Deposit Account: Deposit Account Number: 18-0013 Deposit Account Name: Rader, Fishman & Grauer PLLC The Director is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input checked="" type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) or any underpayment of fee(s) <input type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.		3. ADDITIONAL FEES <table border="1" style="width:100%"><thead><tr><th colspan="2">Large Entity</th><th colspan="2">Small Entity</th><th rowspan="2">Fee Description</th><th rowspan="2">Fee Paid</th></tr><tr><th>Fee Code</th><th>Fee (\$)</th><th>Fee Code</th><th>Fee (\$)</th></tr></thead><tbody><tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr><tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr><tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr><tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr><tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr><tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr><tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr><tr><td>1252</td><td>420</td><td>2252</td><td>210</td><td>Extension for reply within second month</td><td></td></tr><tr><td>1253</td><td>950</td><td>2253</td><td>475</td><td>Extension for reply within third month</td><td>950.00</td></tr><tr><td>1254</td><td>1,480</td><td>2254</td><td>740</td><td>Extension for reply within fourth month</td><td></td></tr><tr><td>1255</td><td>2,010</td><td>2255</td><td>1,005</td><td>Extension for reply within fifth month</td><td></td></tr><tr><td>1401</td><td>330</td><td>2401</td><td>165</td><td>Notice of Appeal</td><td>330.00</td></tr><tr><td>1402</td><td>330</td><td>2402</td><td>165</td><td>Filing a brief in support of an appeal</td><td></td></tr><tr><td>1403</td><td>290</td><td>2403</td><td>145</td><td>Request for oral hearing</td><td></td></tr><tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr><tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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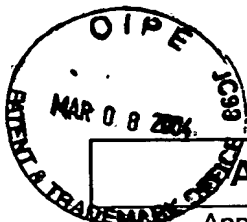
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SUBMITTED BY		(Complete if applicable)	
Name (Print/Type)	Ronald P. Kananen Shawn B. Cage	Registration No. (Attorney/Agent)	24,104 51,522
Signature		Telephone	(703) 955-3750
		Date	March 8, 2004

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TECHNOLOGY CENTER R37D0

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AMENDMENT TRANSMITTAL LETTER				Docket No. WEN-0008	
Application No. 09/964,449	Filing Date September 28, 2001	Examiner A. M. Farah	Art Unit 3739		
Applicant(s): Takua NAKAMURA et al.					
Invention: CORNEAL SURGERY APPARATUS AND CORRECTION DATA DETERMINING METHODS					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	10	- 20 =		x	0.00
Independent Claims	3	- 3 =		x	0.00
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify): Notice of Appeal					330.00
Petition for Extension of Time					950.00
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					1,280.00
<div style="display: flex; justify-content: space-between;"><div><input checked="" type="checkbox"/> Large Entity</div><div><input type="checkbox"/> Small Entity</div></div> <div><input type="checkbox"/> No additional fee is required for this amendment.</div> <div><input checked="" type="checkbox"/> Please charge Deposit Account No. <u>18-0013</u> in the amount of \$ <u>1,280.00</u>. A duplicate copy of this sheet is enclosed.</div> <div><input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.</div> <div><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</div> <div><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>18-0013</u> as described below. A duplicate copy of this sheet is enclosed.<div style="margin-left: 20px;"><input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.</div></div>					